

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 2:09CR032-P-S

HENRY RUCKER,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon the defendant's motion to continue trial [16]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for June 29, 2009. Defense counsel requests a continuance to afford more time to prepare for his client's defense and to accommodate a conflicting, previously-scheduled trial in State court. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from June 29, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) The defendant's motion to continue trial [16] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, August 31, 2009 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from June 29, 2009 to August 31, 2009 is excluded from Speedy Trial Act considerations as set out above;

- (4) The deadline for filing pretrial motions is August 10, 2009; and
- (5) The deadline for submitting a plea agreement is August 17, 2009.

SO ORDERED this the 9th day of June, A.D., 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE